

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

V.

CHARLES PILLON,

Defendant.

Case No. 02:18-cv-1845

## **COMPLAINT**

Plaintiff United States of America, by authority of the Attorney General, on behalf of the  
United States Environmental Protection Agency (“EPA”), alleges as follows:

## I. NATURE OF THE CASE

1. This is a civil action under Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9604, for an order (1) authorizing EPA to enter and to respond to hazardous substances, pollutants, or contaminants, located on and under property owned and controlled by Defendant; (2) prohibiting Defendant from impeding or interfering with EPA's access and response activities on the Property; and (3) prohibiting Defendant from tampering with, preventing access to, defacing, or destroying monitoring wells or other equipment placed on the Site by EPA or its contractors.

## COMPLAINT

U. S. DEPARTMENT OF JUSTICE  
Environment & Natural Resources Division  
7600 Sand Point Way NE  
Seattle, WA 98115

## **II. JURISDICTION AND VENUE**

2. This Court has jurisdiction over this case pursuant to Sections 107 and 113(b) of CERCLA, 42 U.S.C. §§ 9607 and 9613(b); Section 311(n) of the CWA, 33 U.S.C. § 1321(n); Section 1017(b) of OPA, 33 U.S.C. § 2717(b); and 28 U.S.C. §§ 1331, 1345 and 1367(a).

3. Venue is proper in this district pursuant to Section 113(b) of CERCLA, 42 U.S.C. § 9613(b); Section 1017(b) of OPA, 33 U.S.C. § 2717(b); and 28 U.S.C. § 1391(b) and (c).

### **III. STATUTORY BACKGROUND**

4. CERCLA Section 104(a)(1), 42 U.S.C. § 9604(a)(1), provides that whenever there is a release or substantial threat of release into the environment of a hazardous substance, or of any pollutant or contaminant which may present an imminent and substantial endangerment to the public health or welfare, EPA “is authorized to act, consistent with the national contingency plan, to remove or arrange for the removal of, and provide for remedial action relating to such hazardous substance, pollutant, or contaminant . . . or take any other response measure consistent with the national contingency plan” that EPA deems necessary to protect the public health or welfare or the environment. CERCLA Section 104(e)(4), 42 U.S.C. § 9604(e)(4), authorizes any officer, employee or representative designated under CERCLA Section 104(e)(1), 42 U.S.C. § 9604(e)(1), to inspect and obtain samples from any facility, establishment, or other place or property referred to in CERCLA Section 104(e)(3), 42 U.S.C. § 9604(e)(3), or from any location of any suspected hazardous substance or pollutant or contaminant.

5. CERCLA authorizes EPA employees and contractors to enter properties at reasonable times “where entry is needed to determine the need for response or the appropriate response or to effectuate a response action” under CERCLA. 42 U.S.C. § 9604(e)(3)(D).

<sup>6</sup> CERCLA Section 104(e)(5)(B), 42 U.S.C. § 9604(e)(5)(B), provides that the

1 United States may commence a civil action to compel compliance with a request for access.  
 2 “Where there is a reasonable basis to believe there may be a release or threat of a release of a  
 3 hazardous substance, pollutant, or contaminant,” the court “shall enjoin” interference with a  
 4 request by EPA for entry “unless under the circumstances of the case the demand for entry or  
 5 inspection is arbitrary and capricious, an abuse of discretion, or otherwise not in accordance with  
 6 law.” 42 U.S.C. § 9604(e)(5)(B)(i).

#### 7 IV. FACTUAL ALLEGATIONS

##### 8 Location and History of May Creek Landfill Site

9       7. The May Creek Landfill Site is an approximately 10-acre parcel of property located  
 10 in a semi-rural residential area at 15753 Renton-Issaquah Road SE, Renton, King County,  
 11 Washington. Defendant has operated the Site as an unpermitted solid waste landfill since  
 12 approximately 1993. Metal scrapping, auto wrecking, waste incineration, metal smelting,  
 13 biodiesel production, and disposal of asbestos-containing material have been documented at the  
 14 Site. Defendant lives in a house on the Site with at least one other family member. He has allowed  
 15 homeless persons to camp or reside in inoperable recreational vehicles on the Site, and there are  
 16 at least two known residents living in RVs or camping on the property.

17       8. The Site contains an unknown quantity of waste, including abandoned vehicles,  
 18 appliances, construction materials, and numerous unlabeled containers. Except for relatively  
 19 discreet areas, the majority of the Site is covered in solid waste. Access to the Site is encumbered  
 20 by solid waste and inoperable vehicles blocking access. Over the decades, the Site has been  
 21 investigated more than 20 times by local, state, and federal authorities for conducting unpermitted  
 22 activities as well as hazardous waste management violations. No meaningful cleanup of the Site  
 23 was conducted until EPA entered the Site in November-December 2018 and removed over 1,600

1 chemical containers. As a result, Defendant has millions of dollars in judgments against him. On  
 2 November 30, 2018, the Washington State Superior Court ordered Mr. Pillon to pay \$3.88 million  
 3 in restitution to a public fund. *State of Washington v. Charles Edwin Pillon*, No. 16-1-05983-6  
 4 KNT, Nov. 30, 2018 Order Setting Litter Cleanup Restitution Payment.

5       9. Drainage ditches on the property drain approximately 1,000 feet to May Creek,  
 6 which flows to Cedar River, which is part of the Cedar River-Lake Washington Watershed.  
 7 Several dozen residences and a school are within approximately one mile of the Site.

8 **February 2016 Sampling by the EPA and Its Contractors**

9       10. On February 25, 2016, the EPA On-Scene Coordinator (“OSC”), Mr. Fowlow, and  
 10 seven EPA contractors conducted a one-day sampling event at the request of the Washington State  
 11 Attorney General’s Office. The EPA, along with the Washington Department of Ecology, gained  
 12 access to the Site through a warrant obtained by the Washington State Patrol (“WSP”). EPA’s  
 13 role was to (1) identify and sample areas of potentially contaminated soil; and (2) identify, sample,  
 14 and analyze samples from containers potentially containing hazardous substances. Hundreds of  
 15 unlabeled and mislabeled containers were observed in a highly deteriorated condition, many of  
 16 which were actively leaking. Additionally, several acres of the property were covered in solid  
 17 waste potentially 20-30 feet deep, making it difficult to know if there were additional containers  
 18 of unknown substances, and also making it difficult to obtain soil samples.

19       11. Results from all 13 surface soil samples indicated that soil samples exceeded  
 20 cleanup levels for cadmium, chromium, benzo(a)pyrene, total toxicity equivalent concentration  
 21 (“TTEC”), and/or motor oil range organics. These chemicals are “hazardous substances” within  
 22 the meaning of Section 101(14) of CERCLA, 42, U.S.C. § 9601(14), and exposure to them can  
 23 present a variety of health risks.

1       12. EPA contractors also analyzed samples taken from nine, on-site containers to  
 2 determine whether the contents presented hazardous waste characteristics as defined by the  
 3 Resource Conservation and Recovery Act (“RCRA”) 42 U.S.C. §§ 6901, *et seq.* Testing  
 4 confirmed the presence of toxic, ignitable, and corrosive materials in the containers. EPA  
 5 concluded that there were likely dozens, or even hundreds, of chemical containers at the Site that  
 6 contain substances that exhibit these RCRA hazardous waste characteristics.

7 **Defendant’s Conviction and Sentence**

8       13. Following the February 2016 Site visit and investigation, the Washington State  
 9 Attorney General’s Office brought criminal charges against Defendant in King County Superior  
 10 Court. On June 15, 2018, Defendant was convicted of two felony counts of illegal auto wrecking  
 11 and hazardous materials storage and one misdemeanor for solid waste handling. As part of the  
 12 conditions of his sentence, Defendant was ordered to cease accepting waste onto his property, only  
 13 dispose of waste through appropriate disposal professionals, and “cooperate fully with any and all  
 14 clean-up efforts taking place at the property.” Subsequently, the sentencing court found that  
 15 Defendant violated conditions of his sentence and issued an order directing that, “No further  
 16 activity on the property are allowed by Defendant. The State, County, and EPA are to have un-  
 17 fettered access to the Site w/o any further legal process.”

18 **July 2018 Site Visit and the EPA’s Requests for Access to Conduct Removal Action**

19       14. Following Defendant’s conviction, on July 17, 2018, the Washington Department  
 20 of Ecology requested the EPA perform an emergency removal action. On July 26, 2018, the EPA,  
 21 EPA’s contractor, Washington State Department of Ecology, and King County Solid Waste  
 22 Division personnel visited the Site in order to evaluate the extent of contamination and plan for a  
 23 removal action under CERCLA. Mr. Fowlow attended for the EPA. He received verbal consent

1 from Defendant to walk around and observe the property. Defendant was provided with a written  
 2 consent form that he asked for additional time to review. Defendant later asserted he lost that  
 3 form.

4       15. While at the Site, approximately 250 visible containers were observed. Most of the  
 5 containers did not have labels and there was no recognizable storage or organization system.  
 6 Evidence of container releases, including actively leaking containers and stained soil, also was  
 7 observed. Defendant stated that he had emptied containers, supposedly containing latex paint,  
 8 onto wood chips spread directly on the soil. Suspected asbestos material also was observed during  
 9 this visit.

10       16. Following the July 2018 Site visit, EPA made additional unsuccessful attempts to  
 11 obtain Defendant's consent to further access at the Site. On August 3, 2018, Defendant emailed  
 12 Mr. Fowlow outlining various objections he had to EPA involvement at the Site. Defendant sent  
 13 emails to the EPA on September 12 and 26, again objecting to the EPA involvement on the Site  
 14 and claiming a right to an owner-clean up. On October 3, 2018, EPA Assistant Regional Counsel  
 15 Kristin Leefers wrote to Defendant, stating the EPA's intent to conduct an assessment and cleanup  
 16 work under CERCLA, explaining the basis for the proposed action, and requesting Defendant's  
 17 consent for access to the Site. In response, Defendant sent a series of emails to the EPA outlining  
 18 his objections to the EPA's request and proposed plan. On October 29, 2018, Ms. Leefers emailed  
 19 Defendant to request access for a Site walk to "visually survey the area in light of proposed cleanup  
 20 activities." Defendant responded with multiple emails indicating his refusal to consent.

21 **Administrative Warrant Granting EPA Site Access and November-December 2018**

22 **Sampling and Container Removal**

23       17. Following the Site inspections described above and Defendant's continuing refusal

1 to authorize access, EPA applied to this Court for an administrative warrant for site access. 2:18-  
 2 mc-00114-JPD. This Court issued an administrative warrant on November 15, 2018. *Id.*, Docket  
 3 #4.

4       18. On November 16, 2018, EPA and its contractors entered the site to take samples,  
 5 conduct further inspections of the premises, and remove containers of chemicals, none of which  
 6 were properly stored. EPA collected and processed over 1,600 chemical containers. To date, EPA  
 7 has collected 244 samples from those containers and conducted field and/or laboratory analysis  
 8 for disposal purposes. Within those samples, EPA detected flammable, corrosive, oxidizing, and  
 9 toxic substances in diverse vessels such as liquid waste in drums and buckets, fluorescent light  
 10 ballasts, volatile liquid products in tanker trucks, asbestos-containing materials,  
 11 pesticides/herbicides, and compressed gas cylinders. EPA also encountered drug paraphernalia in  
 12 buses and RVs on Site, and one of the property residents living in an inoperable RV turned over a  
 13 jar of mercury that he reportedly accumulated by breaking and collecting mercury from  
 14 thermometers.

15       19. In order to take soil samples within the landfill area, a total of 8 test pits were  
 16 excavated. The thickness of debris in the landfill ranged from 1.5 feet at the margins to 26 feet  
 17 thick along the centerline. Chemical containers were observed at the surface of the landfill area;  
 18 however, neither chemical containers nor obvious evidence of contamination was observed in the  
 19 excavated landfill material. EPA has not yet received analytical results from the laboratory of the  
 20 landfill soil samples.

21       20. Beneficial chemical management practices by the property owner have not  
 22 occurred since the 2016 and July 2018 site visits described above. Chemicals remained stored  
 23 haphazardly in unlabeled leaking, corroded, and damaged containers. A downhill neighbor

1 complained that “buckets and drums” have rolled downhill onto their property.

2       21. Some wastes appear to have been disposed directly onto the ground. In one location  
 3 covered by wood chips, the property owner stated that he poured out many containers that he  
 4 believed contained latex paint. EPA has taken soil samples in this area and expects to have  
 5 laboratory results for these samples in early January 2019.

6       22. In another area of the property that appears to be used to work on vehicles, fresh  
 7 petroleum sheen is observed on surface water runoff from that area during any precipitation event.  
 8 The disposal of waste directly onto the ground surface presents a threat to groundwater and surface  
 9 water. Soil samples were taken by EPA from this area in December 2018, and EPA expects to  
 10 have laboratory results for these samples in early January 2019. If the soils are contaminated above  
 11 cleanup levels, removal of contaminated soils may be necessary to protect surface water and  
 12 groundwater. In that event, it also may be necessary to remove an open-walled structure with bays,  
 13 where vehicle work appears to have been done, that sits atop the soils that are the source of  
 14 petroleum runoff.

15       23. On November 30, 2018, the Superior Court of Washington in which Defendant was  
 16 convicted issued an order finding that Defendant had willfully violated conditions of his sentence.  
 17 Those violations include Defendant’s continuing activity on the property and his “fail[ure] to allow  
 18 unfettered access to his property for purposes of assessing the environmental impact and facilitate  
 19 cleanup.” The order requires Defendant to serve 30 days in the King County jail, beginning no  
 20 later than December 3, 2018.

21 **Need For Additional Site Access To Address Contaminated Soils And Potential Surface**  
 22 **Water and Groundwater Contamination**

23       24. Based on all of the above information, there have been releases of hazardous

1 substances at the Site, resulting in soils contaminated with hazardous substances in concentrations  
2 above cleanup levels. These contaminated soils, and the threats of further releases of hazardous  
3 substances from on-site containers not yet discovered by EPA are a threat to human health and the  
4 environment, in part through the threat of groundwater contamination at the site.

5       25. To protect human health and the environment, additional response actions must be  
6 taken at the Site. These actions include: developing a complete inventory of the types and locations  
7 of wastes on the Site; planning and taking response actions to safely contain and/or remove wastes  
8 at the Site; sampling soils at the Site, including in areas where liquid wastes appear to have been  
9 disposed directly to the ground; removal of soils from the Site that are contaminated with  
10 hazardous substances above cleanup levels and pose a threat to surface water or groundwater;  
11 installing groundwater monitoring wells; and monitoring the surface water and groundwater to  
12 detect any contamination.

13       26. EPA attempted to obtain permanent access to the Site without further judicial action  
14 by seeking Defendant's written agreement to access. On November 27, 2018, EPA requested that  
15 Defendant sign a consent for access form. That consent for access form would have granted EPA  
16 the same access rights that are sought in this Complaint. Defendant refused to sign the consent for  
17 access form.

18       27. Without an order promptly allowing EPA access to the Site to conduct the work  
19 requested in the prayer for relief, groundwater and surface water will continue to be at risk of  
20 contamination with hazardous substances. Delay in EPA's ability to access the Site will also  
21 increase the time and expense required to conduct the work. At present, EPA contractors are  
22 available to begin the needed work: soil testing and removal contractors are available to begin  
23 work now, and groundwater well contractors are available to begin work in February 2019.

1 Delaying the start of work beyond these days likely would result in higher costs and longer lead  
2 times, including additional coordination with nearby landowners for staging heavy equipment and  
3 work.

4       28. Based on currently available information, EPA believes that all soil sampling, soil  
5 removal (including removal of the open-walled structure, if needed), and groundwater monitoring  
6 well construction can be completed within 90 days of entry onto Defendant's property for those  
7 purposes.

## **V. FIRST CLAIM FOR RELIEF**

9       28. The United States re-alleges and incorporates by reference all of the preceding  
10 paragraphs. The EPA seeks access to the Site, which is a facility, establishment, or other place or  
11 property: (a) from which or to which a hazardous substance or pollutant or contaminant has been  
12 or may have been released; (b) where a further release of a hazardous substance is or may be  
13 threatened; and (c) where entry is needed to determine the need for response, or the appropriate  
14 response, or to effectuate a response action. CERCLA § 104(e)(3)(B)-(D), 42 U.S.C.  
15 § 9604(e)(3)(B)-(D).

16           29. CERCLA grants EPA authority to have access to the Site “for the purposes of  
17 determining the need for response, or choosing or taking any response action under this subchapter,  
18 or otherwise enforcing the provisions of this subchapter.” CERCLA § 104(e)(1), 42 U.S.C. §  
19 9604(e)(1).

20       30.     EPA has a reasonable basis to believe there may be a release or threat of release of  
21     a hazardous substance or pollutant or contaminant at the Property.

22        31. CERCLA expressly authorized the United States to initiate a judicial action to  
23 obtain a court order to compel compliance with a request for access “where there is a reasonable

1 basis to believe there may be a release or threat of a release of a hazardous substance or pollutant  
2 or contaminant.” 42 U.S.C. § 9604(e)(5)(B).

3       32. Unless restrained by an order of the Court under Section 104(e)(5)(B) of CERCLA,  
4       42 U.S.C. § 9604(e)(5)(B), Defendant's continued denial of immediate entry and access will  
5       obstruct, impede or otherwise interfere with EPA's statutory authority to enter the Site to  
6       implement necessary response actions under CERCLA.

## **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff United States of America respectfully requests this Court to:

9       1. Issue an Order directing Defendant Charles Pillon, and his agents, employees, or  
10 representatives, to provide to EPA, its officers, employees, or representatives with immediate,  
11 unimpeded entry and access to the Site at all reasonable times pursuant to Section 104(e) of  
12 CERCLA, 42 U.S.C. § 9604(e), for the purposes of conducting response actions at the Site that  
13 EPA determines are needed to (a) remove hazardous substances, pollutants, or contaminants from  
14 the Site; (b) to install groundwater monitoring wells at the Site; and (c) to take samples at the Site,  
15 including samples of soil, groundwater, and surface water;

16        2.      Enjoin Defendant Charles Pillon, pursuant to Section 104(e)(5) of CERCLA, 42  
17 U.S.C. § 9604(e)(5), from obstructing, impeding, or otherwise interfering with entry and access,  
18 at reasonable times, to the Site by EPA, its officers, employees or representatives for the purpose  
19 of taking the response actions in the previous paragraph, or otherwise enforcing the provisions of  
20 CERCLA;

21 3. Enjoin Defendant Charles Pillon, pursuant to Section 104(e)(5) of CERCLA, 42 U.S.C. §  
22 9604(e)(5), from tampering with, preventing access to, or otherwise defacing or destroying, any  
23 groundwater wells or other equipment placed at the facility by EPA, its officers, employees or

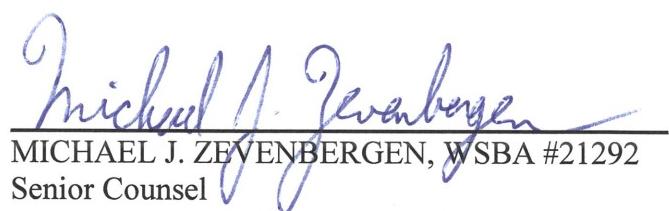
1 representatives for the purpose of taking or effectuating any authorized response action, or  
2 otherwise enforcing the provisions of CERCLA; and

3 4. Grant such other and further relief as the Court finds just and appropriate.

4  
5 UNITED STATES OF AMERICA  
6

7 SUSAN AKERS  
8 Assistant Section Chief  
9 Environmental Enforcement Section  
10 Environment & Natural Resources Division  
11 U.S. Department of Justice  
12 Washington, D.C. 20530

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24  
25 *Attorneys for The United States of America*

26 Date: December 21, 2018

27  
28 COMPLAINT

29  
30 U. S. DEPARTMENT OF JUSTICE  
31 Environment & Natural Resources Division  
32 7600 Sand Point Way NE  
33 Seattle, WA 98115

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

United States of America

(b) County of Residence of First Listed Plaintiff \_\_\_\_\_  
(EXCEPT IN U.S. PLAINTIFF CASES ONLY)(c) Attorneys (Firm Name, Address, and Telephone Number)  
Michael J. Zevenbergen, U.S. Department of Justice  
7600 Sand Point Way NE; Seattle, WA 98115  
(206) 526-6607**DEFENDANTS**

Charles Pillon

County of Residence of First Listed Defendant King County

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> 1 U.S. Government Plaintiff | <input type="checkbox"/> 3 Federal Question<br>(U.S. Government Not a Party)          |
| <input type="checkbox"/> 2 U.S. Government Defendant            | <input type="checkbox"/> 4 Diversity<br>(Indicate Citizenship of Parties in Item III) |

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)  
(For Diversity Cases Only)

Citizen of This State	PTF	DEF	PTF	DEF
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Citizen of Another State	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Citizen or Subject of a Foreign Country	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<b>PROPERTY RIGHTS</b>	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 835 Patent - Abbreviated New Drug Application	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability		<b>LABOR</b>	<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury		<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice		<input type="checkbox"/> 720 Labor/Management Relations	<input type="checkbox"/> 850 Securities/Commodities/ Exchange
<input type="checkbox"/> 196 Franchise			<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 890 Other Statutory Actions
<b>REAL PROPERTY</b>	<b>CIVIL RIGHTS</b>	<b>PRISONER PETITIONS</b>	<input type="checkbox"/> 751 Family and Medical Leave Act	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights	<b>Habeas Corpus:</b>	<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 510 Motions to Vacate Sentence		<input type="checkbox"/> 896 Arbitration
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General		<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 535 Death Penalty	<b>SOCIAL SECURITY</b>	<input type="checkbox"/> 950 Constitutionality of State Statutes
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<b>Other:</b>	<input type="checkbox"/> 861 HIA (1395ff)	
	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 862 Black Lung (923)	
		<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	
		<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 864 SSID Title XVI	
		<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 865 RSI (405(g))	
			<b>FEDERAL TAX SUITS</b>	
			<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	
			<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	
			<b>IMMIGRATION</b>	
			<input type="checkbox"/> 462 Naturalization Application	
			<input type="checkbox"/> 465 Other Immigration Actions	

**V. ORIGIN** (Place an "X" in One Box Only)

- |   |   |  |   |  |  |   |
|---|---|--|---|--|--|---|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from Another District (specify) _____ | <input type="checkbox"/> 6 Multidistrict Litigation - Transfer | <input type="checkbox"/> 8 Multidistrict Litigation - Direct File |
|---|---|--|---|--|--|---|

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
**CERCLA, 42 U.S.C. § 9604(e)****VI. CAUSE OF ACTION**Brief description of cause:  
Action for access order authorizing EPA to respond to hazardous substances on Defendant's property**VII. REQUESTED IN COMPLAINT:** CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.      **DEMAND \$**      CHECK YES only if demanded in complaint:  
**JURY DEMAND:**       Yes       No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE Hon. James P. Donohue

DOCKET NUMBER 2:18-mc-00114-JPD

DATE

SIGNATURE OF ATTORNEY OF RECORD

12/21/2018

FOR OFFICE USE ONLY

*Michael J. Zevenbergen*

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_

APPLYING IFP \_\_\_\_\_

JUDGE

MAG. JUDGE

UNITED STATES DISTRICT COURT  
for the

\_\_\_\_\_ District of \_\_\_\_\_

*Plaintiff(s)*

v.

Civil Action No.

*Defendant(s)*

**SUMMONS IN A CIVIL ACTION**

To: (*Defendant's name and address*)

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

*CLERK OF COURT*

Date: \_\_\_\_\_

*Signature of Clerk or Deputy Clerk*

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Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))**

This summons for (*name of individual and title, if any*) \_\_\_\_\_  
was received by me on (*date*) \_\_\_\_\_.

- I personally served the summons on the individual at (*place*) \_\_\_\_\_  
on (*date*) \_\_\_\_\_; or
- I left the summons at the individual's residence or usual place of abode with (*name*) \_\_\_\_\_,  
a person of suitable age and discretion who resides there,  
on (*date*) \_\_\_\_\_, and mailed a copy to the individual's last known address; or
- I served the summons on (*name of individual*) \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of (*name of organization*) \_\_\_\_\_  
on (*date*) \_\_\_\_\_; or
- I returned the summons unexecuted because \_\_\_\_\_; or
- Other (*specify*): \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

*Server's signature*

\_\_\_\_\_ *Printed name and title*

\_\_\_\_\_ *Server's address*

Additional information regarding attempted service, etc: